

24mj21

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Jamaal J. Westby, a Special Agent of the Federal Bureau of Investigation (FBI), San Juan Division, Saint Croix Resident Agency, being duly sworn, hereby deposes and states that:

1. Affiant is a law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and make arrests for offenses enumerated in Title 18, United States Code.
2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since September 2017. I am currently assigned to the San Juan Division of the FBI, Saint Croix Resident Agency in Saint Croix, United States Virgin Islands. In my current assignment I investigate a wide range of matters, including violent crimes such as extortion and firearm offenses. I have received training in conducting criminal investigations and I have consulted with my colleagues who have multiple years of experience investigating violent crimes. Prior to this assignment, I was a sworn Federal Officer with the United States Customs and Border Protection from 2011 to 2017 where I enforced federal law.
3. Affiant has personally participated in this investigation and the information in this affidavit has been learned either through personal knowledge or by discussion with other law enforcement personnel familiar with the facts of this case.
4. This Affidavit is made in support of a criminal complaint charging **DELANI BENJAMIN** with violation of Title 18, United States Code, Section 875(c) (Interstate Communications) and Title 18, United States Code, Section 1951(a) (Interference with Commerce by Threats or Violence). Because of this Affidavit's limited purpose of establishing probable cause, it does not contain all of the facts known to Affiant or other

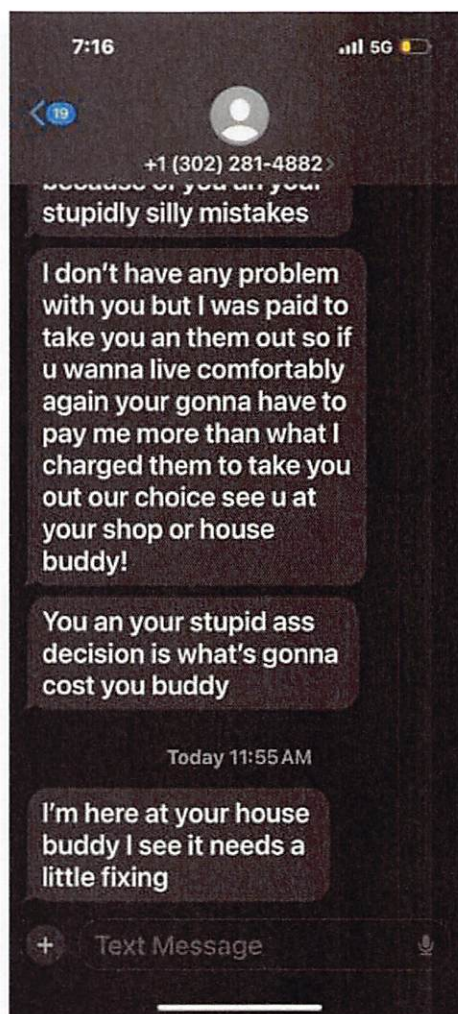
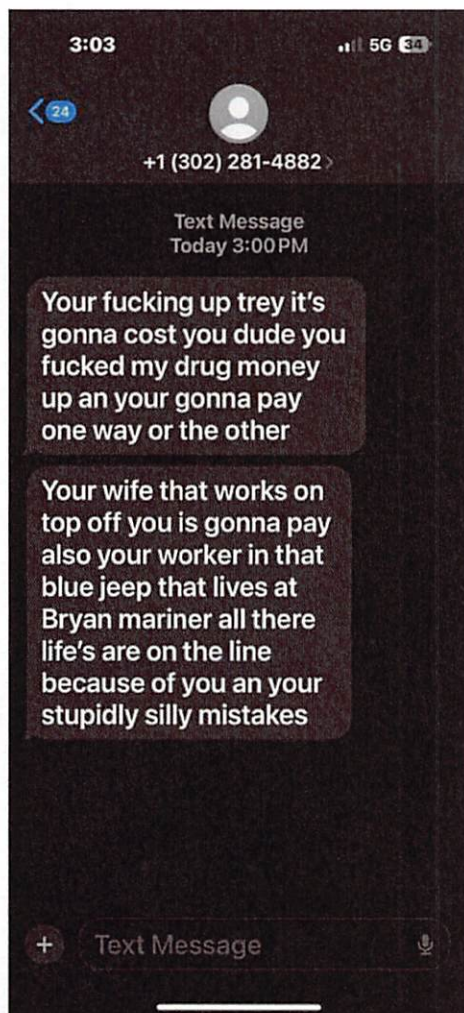
REC'D CIVIL-SW 08 19 24 PM 03:29

law enforcement officers about the investigation, but only those necessary to sustain a probable cause determination.

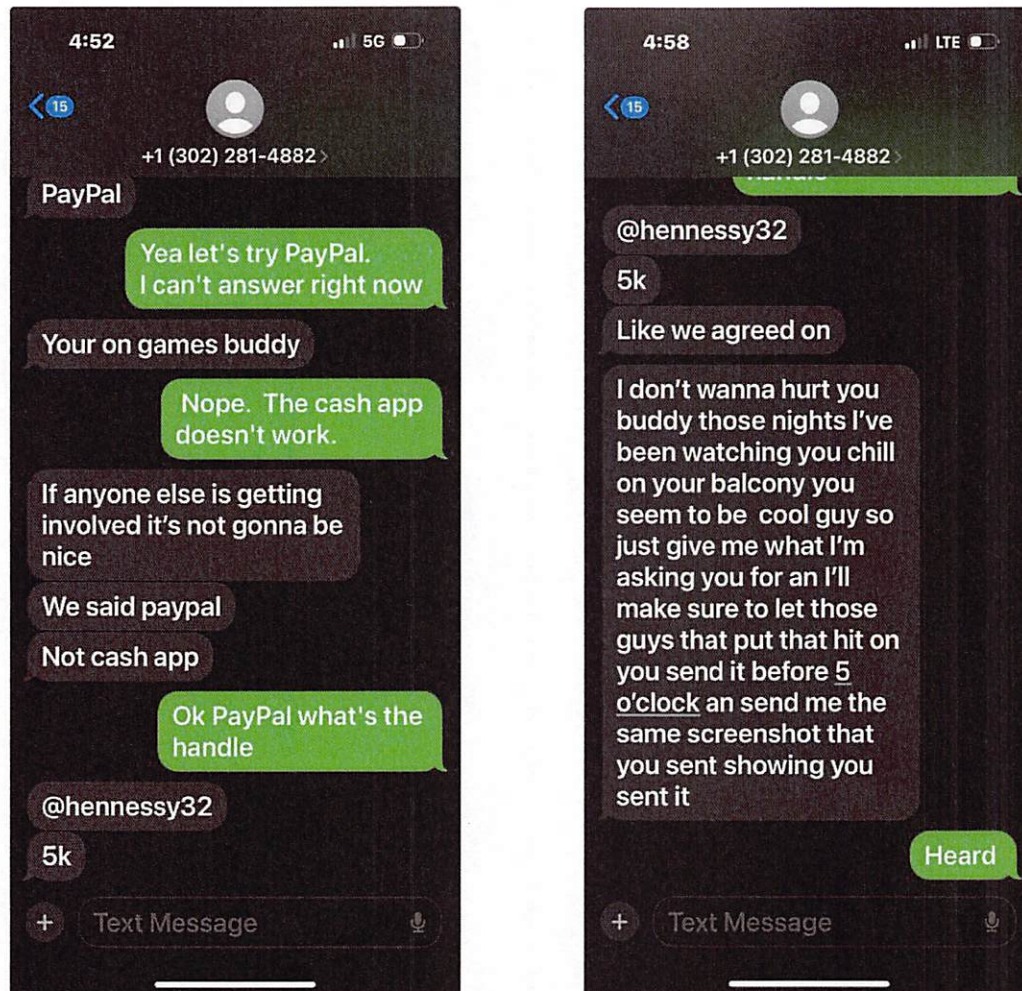
FACTS IN SUPPORT OF PROBABLE CAUSE

5. Starting on or about August 12, 2024, Trey Gunning (the VICTIM), received phone calls and text messages from a blocked number. The phone calls were from an individual (the **SUBJECT**) who the VICTIM described as a male voice with a Crucian accent. The **SUBJECT** initially told the VICTIM that he needed to pay \$5,000 for a drug debt the VICTIM had. The VICTIM explained **SUBJECT** he had no drug debt with anyone and was not involved in drugs. The **SUBJECT** then told the VICTIM he was hired to kill the VICTIM but if the VICTIM paid \$5,000 the **SUBJECT** would not harm the VICTIM.
6. On August 13, 2024 at approximately 7:48 a.m. the **SUBJECT** called the victim and said "I'm coming for my \$5,000 before 8:30 a.m. or I will grab your wife and put her in a fish bag." The VICTIM asked who was on the line and the **SUBJECT** responded "this is your worker man. I'ma fuck you up." The VICTIM told the **SUBJECT** he does not owe anyone money. The **SUBJECT** asked the VICTIM "where are you at right now?" The VICTIM replied "I'm not telling you that" and ended the call.
7. On August 13, 2024 at approximately 8:51 a.m. the **SUBJECT** called the VICTIM and told him he was in a maroon car in the parking lot of Galloways Bay and was there to pick up the \$5,000.
8. On August 13, 2024 at approximately 9:21 a.m. the **SUBJECT** called the VICTIM and said "I just see a cop car drive past there so I had to drive off, I thought you getting cops in this shit man....if you getting cops involved in this shit I'ma kill your wife man."

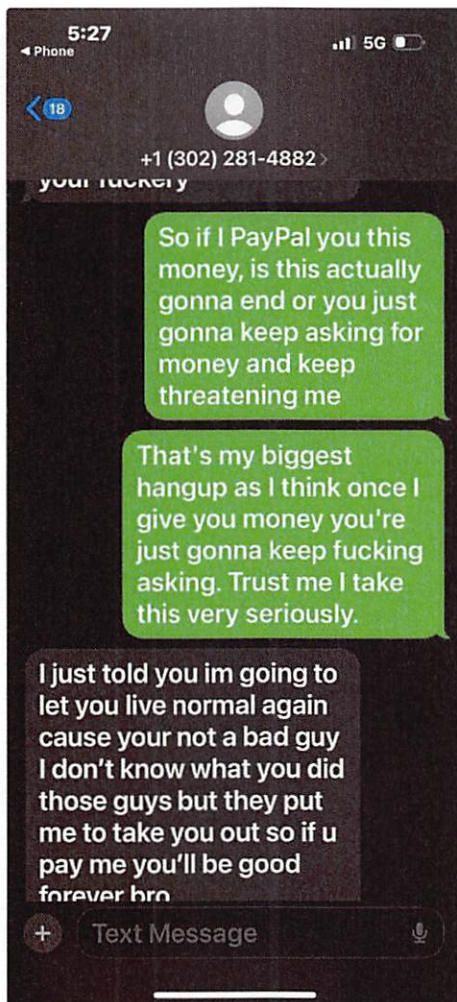
9. On August 13, 2024 at approximately 9:28 a.m. the **SUBJECT** called the VICTIM and said, "if nine thirty come I'm going for your wife or I'ma shoot up the fucking shop, stop playing with me."
10. The calls were followed by text messages in which the **SUBJECT** threatened the VICTIM further:



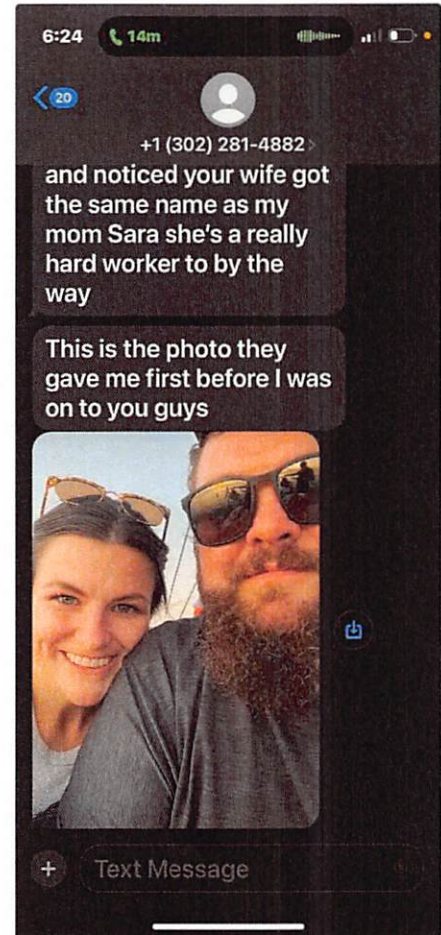
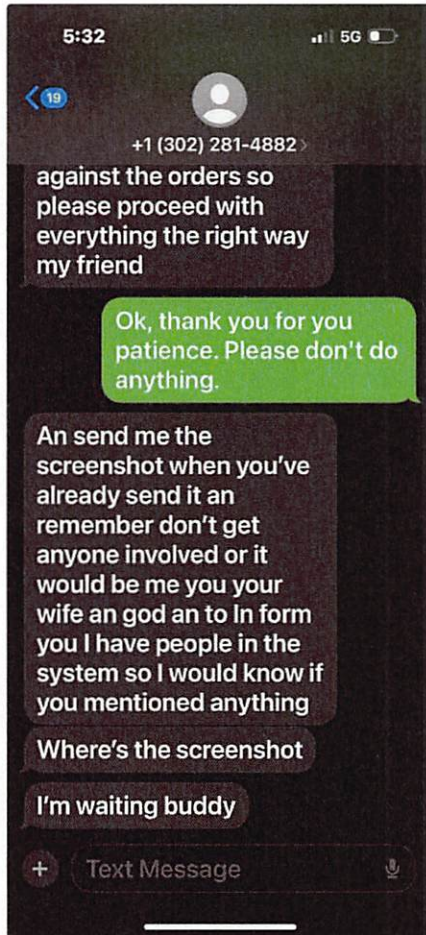
11. On August 15, 2024 the **SUBJECT** then texted the VICTIM with instructions to send \$5,000 via PayPal to user name: @hennessy32. The **SUBJECT** informed the VICTIM he has been watching him on his balcony. The VICTIM's residence is not visible from the street and the VICTIM'S porch is secluded.



12. The **SUBJECT** then texted the VICTIM and offered to let the VICTIM live normal again if the VICTIM paid.



13. The **SUBJECT** sent a follow up text message threatening the VICTIM to not get anyone involved because the **SUBJECT** had “people in the system.” Based on my training and experience the **SUBJECT** is implying that if the VICTIM contacted law enforcement the **SUBJECT** would find out because the **SUBJECT** has contacts that would let him know if the VICTIM contacted law enforcement. The **SUBJECT** then sent a photo of the VICTIM and his spouse and informed the VICTIM “this is the photo they gave me first before I was on to you guys.” In my training and experience this photo was sent to intimidate the VICTIM.

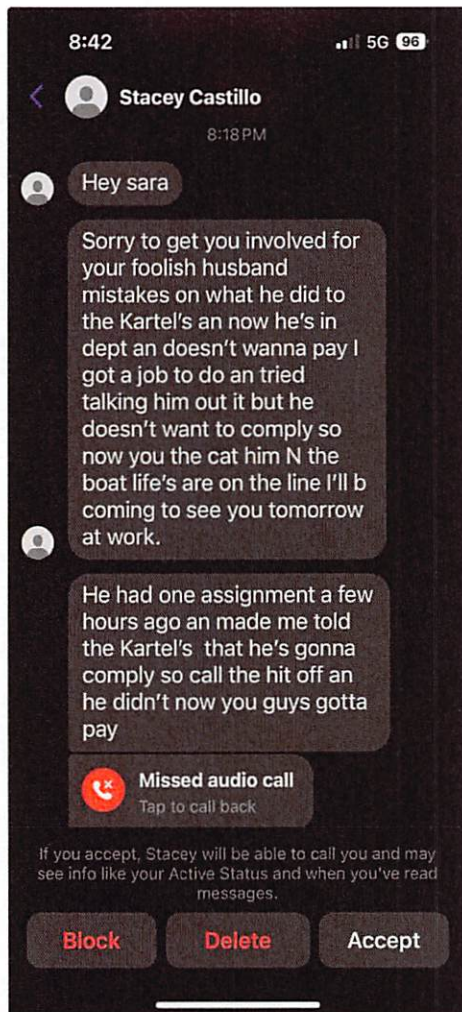


14. The VICTIM owns a business called the Bistro, Coffee and Eatery in Christiansted. The employees normally begin cooking at the business at approximately 4:30 a.m.
15. On August 15, 2024 at approximately 3:15 p.m. the **SUBJECT** called the VICTIM and told the VICTIM he would not be able to open the Bistro in the morning if the **SUBJECT** did not pay the \$5,000. The VICTIM questioned why he would not be able to open the Bistro. The **SUBJECT** responded by saying “cause I’ma spray the block and I’ma ker your wife if I have to”. In my training and experience “spraying the block” means the **SUBJECT** is threatening to shoot up the Bistro and “I’ma ker your wife” means the **SUBJECT** is threatening to kidnap the VICTIM’s wife. The **SUBJECT** followed up later that day with another text message informing the VICTIM he texted the VICTIM’s

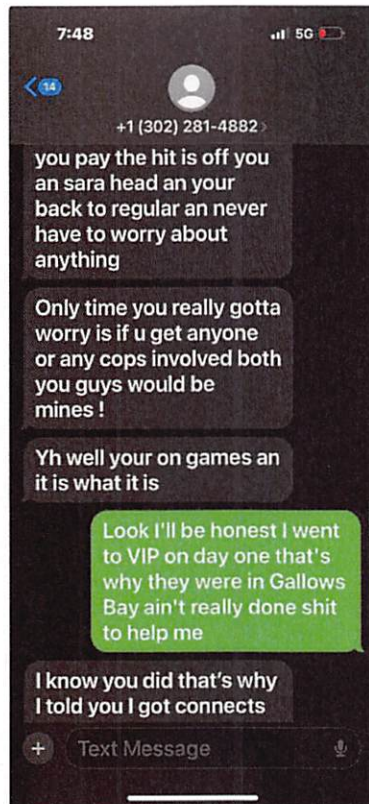
wife via Facebook and he was looking for the VICTIM and if he didn't find the VICTIM he would "help you open the shop at6 with the lady in the jeep an it would just be a blood bath." The **SUBJECT** was referring to the VICTIM's eatery business and an employee of the VICTIM. In my training and experience the **SUBJECT** was threatening to hurt the VICTIM's employee and affect the commerce of the business.



16. The SUBJECT then sent a message to the VICTIM's wife via Facebook threatening the VICTIM, the VICTIM's wife and the VICTIM's boat.



17. The VICTIM responded via text message and confessed to the SUBJECT he contacted law enforcement regarding the situation but haven't received help. The SUBJECT responded "I know you did that's why I told you I got connects".



18. On August 16, 2024 at approximately 12:53 p.m. an unknown person with a male sounding voice calling from a blocked number contacted the VICTIM and introduced himself as Officer Daniels. The VICTIM described the voice as being similar to the **SUBJECT** and the blocked number was similar to what the **SUBJECT** did. The unknown individual informed the VICTIM the police department would not be able to help the VICTIM because the VICTIM's complaint is "out of our jurisdiction...we can't really help you. Whatever you did to those guys you gotta take it up with the streets."
19. On August 16, 2024 the VICTIM came to the FBI office in Saint Croix and met with law enforcement officers. Law enforcement officers asked the VICTIM to schedule a time for the **SUBJECT** to pick up money from the VICTIM's vehicle at Altoona Lagoon Park when the **SUBJECT** contacted the VICTIM again. After the VICTIM departed from the

FBI office the VICTIM received a call from the **SUBJECT**. The VICTIM expressed frustration with the situation and told the **SUBJECT** he wanted to pay the **SUBJECT** and end the situation. The **SUBJECT** agreed and told the VICTIM to wait for his call.

20. On August 16, 2024 at approximately 1:50 p.m., law enforcement officers set up surveillance at the Altoona Lagoon Park.

21. On August 16, 2024 at approximately 1:52 p.m. the **SUBJECT** contacted the VICTIM and instructed the VICTIM to go to KFC across from GMAX gas station with the money. The VICTIM declined. The **SUBJECT** told the VICTIM to go to the GMAX gas station with the money, the VICTIM declined again. The VICTIM told the **SUBJECT** he does not want to meet him or know who he is. The VICTIM further told the **SUBJECT** to pick a place close to Gallows Bay and the VICTIM would be willing to leave money in his parked vehicle.

22. On August 16, 2024 at approximately 1:58 p.m. the **SUBJECT** called the VICTIM and agreed to pickup money from the VICTIM's vehicle which would be parked at Altoona Lagoon Park. The VICTIM told the **SUBJECT** the vehicle would be parked on a dirt road in the vicinity of the exercise equipment at Altoona Lagoon Park and the money would be in a pink bank bag which was under an Amazon box in the camper of the VICTIM's truck. At approximately 2:21 p.m. the **SUBJECT** contacted the VICTIM and asked if the VICTIM was picked up by a gray truck. The VICTIM confirmed. The **SUBJECT** warned the VICTIM "if there's any funny movement you're on the line".

23. On August 16, 2024 at approximately 3:08 p.m. the **SUBJECT** contacted the VICTIM to confirm what his vehicle looked like and where it was parked. The VICTIM provided a description and location of the vehicle.

24. On August 16, 2024 at approximately 3:15 p.m. law enforcement officers observed the **SUBJECT** attempting to open the camper of the VICTIM's vehicle. After unsuccessful attempts to open the vehicle, the **SUBJECT** was observed on his cellular phone.
25. On August 16, 2024 at approximately 3:16 p.m. the **SUBJECT** contacted the VICTIM and expressed frustration regarding not being able to open the VICTIM's vehicle.
26. On August 16, 2024 at approximately 3:25 p.m. law enforcement officers observed the **SUBJECT** return a second time to the VICTIM's vehicle and attempted to open the camper again. The **SUBJECT** again departed in the white jeep bearing license plate CIG 691 after more unsuccessful attempts to open the vehicle.
27. On August 16, 2024 at approximately 3:28 p.m., the **SUBJECT** contacted the VICTIM and said "you go pick it up because I can't get it open. You just take it out and put it right there next to your truck." The VICTIM declined and provided detailed instructions on how to open the vehicle. Again, law enforcement officers observed the **SUBJECT** on his cell phone at the same time he is calling the VICTIM.
28. On August 16, 2024 at approximately 3:32 p.m. law enforcement officers observed the **SUBJECT** return to the VICTIM's vehicle in the white jeep bearing license plate CIG 691. The **SUBJECT** approached the VICTIM's camper and opened it. The **SUBJECT** appeared to move things around in the camper. The **SUBJECT** then returned to the white jeep bearing license plate CIG 691.
29. Law enforcement officers placed the **SUBJECT** in custody and identified him as **DELANI BENJAMIN ("BENJAMIN")**. While being placed in custody **BENJAMIN** told law enforcement officers someone told him to come pick up something from the vehicle. However, as noted above, **BENJAMIN** was observed by law enforcement

speaking with the VICTIM while at the scene attempting to retrieve the money from the VICTIM'S vehicle. Per the VICTIM, the man speaking to him then, was the same individual speaking to him on the phone while making all of the prior threats.

30. A K-9 unit alerted to **BENJAMIN's** vehicle. Law enforcement officers recovered an unlicensed firearm from **BENJAMIN's** vehicle.

31. Law enforcement officers read **BENJAMIN** his rights and attempted to conduct an interview. **BENJAMIN** declined to be interviewed but reiterated someone called him and asked him to go pick up a package. "I know this doesn't look good."

32. The telephone calls and texting between **BENJAMIN** and the VICTIM constitute interstate communications as there are no cellular companies based in the Virgin Islands. Additionally, the Bistro, Coffee and Eatery, engages in interstate commerce by purchasing various food and beverage products that are not grown, produced, and/or manufactured in the Virgin Islands, but rather are shipped into the Virgin Islands from various state-side and/or international locations.

CONCLUSION

Based on the foregoing information, this Affiant affirms that there is probable cause to believe that **DELANI BENJAMIN** committed the following crimes:

- Title 18, United States Code, Section 875(c) (Interstate Communications); and
- Title 18, United States Code, Section 1951(a) (Interference with Commerce by Threats or Violence).



Jamaal J. Westby
Special Agent
Federal Bureau of Investigation (FBI)

Subscribed and sworn to before me this 19th day of August 2024.



Honorable Emile A. Henderson III
United States Magistrate Judge
District of Virgin Islands